

IN THE UNITED STATES RECEIVING OFFICE
PATENT COOPERATION TREATY

#8
BPA 4/30/02

In re Application of

SEGAL, et al.

U.S. Application No. 09/674,665

PCT No. : PCT/IL99/00227

Int. Filing Date: 02 May 1999

Priority Date: 01 May 1998

Attorney Docket No.: TI-30245

For: METHOD AND APPARATUS FOR
CAPACITY INCREASE AND
ENHANCED COMMUNICATIONS
PERFORMANCE IN CATV NETWORKS

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APR 29 2002

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PETITION

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11 OCT 2001

Legal Staff
International Division

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231
Attn: PCT Legal Office

EXPRESS MAILING

Mailing Label No. 645456202US

Date of Deposit: October 5, 2001

This is a petition for consolidation of two sets of papers submitted to enter the national stage for the same international application number PCT/IL99/00227 (United States application numbers 09/674,665 and 09/674,412).

REQUESTED RELIEF

Applicant requests transfer of the papers filed in application number 09/674,412 to the present file; issuance of a credit for the duplicate fees paid; and preparation and mailing of a Notification of Acceptance of Application (Form PCT/DO/EO/903), if applicable.

FACTS

The facts and issues presented here parallel those set forth in the decision (copy attached) which consolidated two sets of papers similarly submitted to enter the national stage for the same, commonly-owned international application number PCT/IL99/00228 (United States application numbers 09/674,424 and 09/674,577).

PCT/IL99/00227
USSN 09/674,665
5 October 2001
Page Two

International application PCT/IL99/00227 was filed on 02 May 1999, claiming priority date of 01 May 1998. A Demand for international examination was filed, so the 30-month deadline of 01 November 2000 applied for filing a United States national application.

On 01 November 2000, a "Transmittal letter to the United States Designated/ Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for the international application by counsel from the firm of Eitan, Pearl, Latzer & Cohen-Zedek. This submission was assigned application number 09/674,412. An executed power of attorney was not filed.

Also on 01 November 2000, a "Transmittal letter to the United States Designated/ Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for the same international application by counsel from Texas Instruments Incorporated. This submission was assigned application number 09/674,665. An executed power of attorney was not filed at the time of submission; however, one was subsequently filed on or about 14 May 2001, appointing Texas Instruments Incorporated as agent herein.

The documents filed in 09/674,655 include a declaration executed by the inventors. This declaration includes appointment of counsel. The documents filed in application number 09/674,412 do not include a declaration nor a power of attorney.

FEE

Please charge the petition fee and any other fees due hereon, or credit any overpayment, to the deposit account number 20-0668 of Texas Instruments Incorporated. A fee transmittal is enclosed.

Respectfully submitted,


Warren L. Franz, Reg. No. 28, 716
Attorney for Applicant
(972) 917-5271

Texas Instruments Incorporated
P. O. Box 655474, MS 3999
Dallas, TX 75265

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

Express Mailing Label No.: **EL645455621US**

Complete If Known

Application Number **09/674,665 & PCT/IL99/00227**
Filing Date **10/05/2001**
First Named Inventor **SEGAL ET AL.**
Examiner Name _____
Group / Art Unit _____
Attorney Docket No. **TI-30245-1**

TOTAL AMOUNT OF PAYMENT (\$ **130**)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge to the following Deposit Account,

Deposit Account Number

20-0668

Deposit Account Name

Texas Instruments Incorporated

- ☒ Charge any additional fee required or credit any overpayment ☐ Charge all indicated fees and any additional fee required or credit any overpayment

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	395	Utility filing fee	\$710
106	310	206	165	Design filing fee	\$
107	480	207	270	Plant filing fee	\$
108	760	208	395	Reissue filing fee	\$
114	150	214	75	Provisional filing fee	\$

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	3	-20** = 0	x 18 = 0
Independent Claims	1	-3** = 0	x 80 = 0
Multiple Dependent		260	=

**or number previously paid, if greater; For Reissue, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	11	Claims in excess of 20
102	78	202	41	Independent Claims in excess of 3
104	260	204	135	Multiple dependent claims in excess of 3
109	78	209	41	**Reissue independent claims over original patent
110	18	210	11	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ **0**)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	200	Extension of time within second month	
117	870	217	475	Extension of time within third month	
118	1,360	218	755	Extension of time within fourth month	
128	1,850	228	1,030	Extension of time within fifth month	
119	300	219	155	Notice of Appeal	
120	300	220	155	Filing a brief in support of an appeal	
121	260	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a pubic use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	660	Petition to revive - unintentional	
142	1,210	242	660	Utility issue fee (or reissue)	
143	430	243	225	Design issue fee	
144	580	244	335	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	\$130
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per properly (time number of properties)	
146	760	246	395	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	395	For each additional invention to be examined (37 CFR 1.129(b))	

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Other fee (specify) _____

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$ 130**

SUBMITTED BY

Typed or Printed Name

Warren L. Franz

Signature

[Signature]

Date **10/5/01**

Complete (if applicable)

Reg. Number

28,716

Deposit Account User ID